

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAREEN ANDERSON,

Defendant.

Case No. 2:16-CR-305-KJD-VCF

ORDER

Presently before the Court is the Order (#135) of the Ninth Circuit Court of Appeals remanding this action to the present court for the purpose of permitting the Court to provide appellant notice and opportunity to request time for the filing of the notice of appeal to be extended. Also before the Court is Defendant's Motion to Extend Time to File Notice of Appeal (#136).

On May 2, 2017, the Court denied (#85) Defendant's Motion for Amendment of Detention (#70). Defendant did not file his Notice of Appeal (#99) until May 25, 2017. Defendant blames his failure to act timely on miscounting the intervening weekends and the Cinco de Mayo holiday. However, even accounting for Plaintiff's *pro se* status and the failure to count weekends, his motion was still late. Further, Cinco de Mayo is not a national holiday that keeps the mail from delivery or processing. Finally, in the intervening weeks, Defendant timely filed other motions and responses. Alternatively, Defendant's appeal of the detention order is not meritorious, so even if the Court were

1 to find excusable neglect, the extension would be moot given the frivolous nature of Defendant's
2 appeal.

3 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Extend Time (#136) is
4 **DENIED**;

5 IT IS FURTHER ORDERED that Defendant's Motions for Transcripts (#98) and To Waive
6 Fees (#102) are **DENIED as moot**.

7 DATED this 25TH day of October 2017.

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11 Kent J. Dawson
12 United States District Judge
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